

Jason M. Kerr (8222)
Ronald F. Price (5535)
Steven Garff (13707)
PRICE PARKINSON & KERR, PLLC
5742 West Harold Gatty Drive, Suite 101
Salt Lake City, UT 84116
Telephone: (801) 530-2900
Facsimile: (801) 517-7192
Email: jasonkerr@ppktrial.com
ronprice@ppktrial.com
stevengarff@ppktrial.com

**IN THE UNITED STATES DISTRICT COURT,
DISTRICT OF UTAH**

SanMedica International, LLC, Quality IP
Holdings, LLC

Plaintiffs,

v.

Metabolic Research Center, Metabolic
Research Center of Brevard, County, Inc.,
Metabolic Research Center of Fort Walton
Beach, Inc., Metabolic Research Center of
Jacksonville, Inc., Metabolic Research
Center of Merritt Island, Inc., and John Does
1-10,

Defendants

**[PROPOSED] ORDER GRANTING
PLAINTIFFS' EX PARTE MOTION
FOR LEAVE TO SERVE
DEFENDANTS BY ALTERNATE
MEANS THROUGH PUBLICATION**

Case No. 2:20-cv-00316-JNP-DAO

Pursuant to Fed. R. Civ. P. 4(e)(1) and Fed. R. Civ. P. 4 (h) and Plaintiffs' Motion for leave to serve Defendants, Metabolic Research Center, Metabolic Research Center of Brevard, County, Inc., Metabolic Research Center of Fort Walton Beach, Inc., Metabolic Research Center of Jacksonville, Inc., Metabolic Research Center of Merritt Island, Inc. (Collectively "Metabolic" or "Defendants") through alternate means,

IT IS HEREBY ORDERED as follows:

Plaintiffs will publish a description of the Summons in the Jacksonville Daily Record, which is a paper of general circulation in the location where the Defendants were last known to reside. This Summons description will be published at least once a week for six weeks. Plaintiffs will post the following notice in the paper:

IN THE UNITED STATES DISTRICT COURT, DISTRICT OF UTAH

Case Name: SanMedica International et al v. Metabolic Research Center et al

Case Number: 2:20-cv-00316-JNP-DAO (Federal Court, District of Utah)

NOTICE OF ACTION:

TO: Metabolic Research Center, last known mailing address: 3229 HWY 17, Green Cove Spring, FL 32043; Metabolic Research Center of Brevard, County, Inc., last known mailing address: 3229 HWY 17, Green Cove Spring, FL 32043; Metabolic Research Center of Fort Walton Beach, Inc., last known mailing address: 3229 HWY 17, Green Cove Spring, FL 32043; Metabolic Research Center of Jacksonville, Inc., last known mailing address: 3229 HWY 17, Green Cove Spring, FL 32043; Metabolic Research Center of Merritt Island, Inc., last known mailing address: 3229 HWY 17, Green Cove Spring, FL 32043.

YOU ARE NOTIFIED THAT: SanMedica International, LLC and Quality IP Holdings, LLC bring claims against each of you for False Advertising in Violation of the Lanham Act 15 U.S.C. § 1125(a)(1)(B)); Unfair Competition in Violation of Lanham Act 15 U.S.C. § 1125(a)(1); Declaratory Judgment; Unfair Competition; Business Disparagement; Unjust Enrichment; and Patent Infringement of United States Patent Nos. 10,292,964, 9,238,023, 9,066,953, 9,339,490, 9,198,889, 8,815,311, 10,300,101, 8,722,114, 8,734,864, 8,715,752, 8,747,921, 8,808,763, 8,474,922, 8,808,764, 8,765,195, 10,279,004, and 10,292,957.

YOU ARE FURTHER NOTIFIED THAT: You are to serve a written copy of your defense, if any, to: Steven Garff, at PRICE PARKINSON & KERR, PLLC, Attorney for Plaintiffs, whose address is 5742 West Harold Gatty Drive, Suite 101 Salt Lake City, UT 84116 on or before [date to be inserted]. If you fail to do so, a default may be entered against you for the relief demanded in the Complaint. Copies of all court documents in this case, including orders, are available at the Clerk of the District Court's office. You may review these documents upon request.

Once this notice has been published as described above, Defendants will be deemed to have been served.

SO ORDERED.

DATED this ____ day of _____, 2020.

District Court Judge